

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FLEXIBLE FUNDING, LTD.,

Plaintiff,

v.

JEREMY HARE, et al.,

Defendants.

Case No. [18-cv-03720-JCS](#)

**ORDER TO SHOW CAUSE WHY CASE  
SHOULD NOT BE DISMISSED FOR  
FAILURE TO PROSECUTE**

After multiple filing errors, Plaintiff Flexible Funding, Ltd. filed an “Application for Entry of Default Judgment By Court” on October 8, 2018. Dkt. 19. The Court denied that application without prejudice on October 9, 2018, “without prejudice to [Flexible Funding] filing a noticed motion no later than November 6, 2018.” Dkt. 21. The Court also continued a case management conference previously set for October 26, 2018 to November 9, 2018 at 2:00 PM, and indicated that if Flexible Funding filed a motion before that date, the conference would be further continued to coincide with the motion hearing date. *Id.*

Flexible Funding did not file a motion or any other response by the November 6, 2018 deadline. On November 7, 2018, Flexible Funding filed the following:

- As docket entry 22, a supplemental request for judicial notice of two documents from a criminal proceeding in New Jersey;
- As an attachment to docket entry 22, but presumably not intended as an exhibit to the request for judicial notice, a memorandum of points and authorities in support of default judgment;
- As docket entry 23, a supplemental declaration of counsel Catherine Schlomann Robertson addressing Flexible Funding’s request for attorneys’ fees; and

- As docket entry 24, a proof of service indicating that the documents described above were served by mail on Defendants Apollo Search Partners, LLC and Jeremy Hare.

Flexible Funding did not file a noticed motion for default judgment. Flexible Funding also failed to appear at the case management conference on November 9, 2018. Flexible Funding is therefore ORDERED TO SHOW CAUSE, by filing a response **no later than Monday, November 26, 2018**, why this action should not be dismissed with prejudice for failure to prosecute. The response must address why Flexible Funding failed to file a motion by the previous deadline and failed to appear at the case management conference, and must include a motion for default judgment noticed for a hearing date. Counsel is further instructed to familiarize herself with the Court's ECF filing system before filing any further documents.

A hearing on the order to show cause and a further case management conference are hereby set for November 30, 2018 at 9:30 AM, but will be continued to coincide with the motion hearing date if Flexible Funding files a motion before that date.

**IT IS SO ORDERED.**

Dated: November 9, 2018

  
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JOSEPH C. SPERO  
Chief Magistrate Judge